

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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IN THE MATTER OF THE COMPLAINT

of

TAPPAN ZEE CONSTRUCTORS, LLC,
as owner of 2007 Lobell Boat, Serial Number
LOA11504J607, FOR EXONERATION FROM
OR LIMITATION OF LIABILITY,

Petitioner.
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Case No. 1:17-cv-168 (MAD/CFH)

**CLAIMANT'S MOTION TO
VACATE INJUNCTION AGAINST
CLAIMANT AND LIFT THE STAY
OF STATE COURT ACTION
ALLOWING CLAIMANT TO
PROCEED WITH THE STATE
COURT ACTION**

NOW COMES CLAIMANT, TIMOTHY MARION, by and through his attorney, Steven M. Melley, Esq. of Steven M. Melley, PLLC, who now moves this Court pursuant to Federal Rule F of the Federal Rules of Civil Procedure, granting this motion for the following relief:

To:

1. Accept as satisfactory the Claimant's Stipulations, dated the 18th day of April, 2017, and filed with this Court on April 18, 2017 remove, vacate and otherwise terminate the Order of this Honorable Court, dated March 17, 2017, which enjoined and stayed the action between Claimant, Timothy Marion, and Petitioner, TMZ Constructors, LLC, *et al.*, pending in the Supreme Court of the State of New York in and for the County of Ulster, Index No. 2180/2016 and, to
2. Remove, vacate and otherwise terminate the prior Order of this Honorable Court, dated, March 17, 2017, which enjoined the Claimant, Timothy Marion from pursuing his claims against Petitioner herein, TMZ Constructors, LLC, *et. al.*, and lift the stay of the State Court

action filed under Index No. 2180/2016 in the Supreme Court of the State of New York in and for the County of Ulster; and, to

3. Reserving to this Honorable Court, the exclusive jurisdiction to entertain and complete all issues concerning this Limitation Action/Proceeding to Exonerate Petitioner from Liability and/or to Limit its Liability pursuant to 46 U.S.C ss 30501, *et seq.*, and Supplemental Rule F of the federal rules of civil procedure.

Dated: April 28, 2017
Rhinebeck, New York

STEVEN M. MELLEY, PLLC

By:  Steven M. Melley, Esq. (Bar #: 103744)

Attorneys for Claimant

TIMOTHY MARION

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